

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RICHARD DOUGLAS PEDIGO,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:04-1017
)	Jury Demand
WAL-MART STORES EAST, L.P. and)	Judge Campbell
STRONGBUILT, INC.,)	Magistrate Knowles
)	
Defendants.)	

MOTION FOR ADMINISTRATIVE RETIREMENT

The undersigned counsel for the parties in the above-captioned case represent that the parties have engaged in procedural discussions with the Court at the initial case management conference, and on subsequent dates (September 1, 2005; November 21, 2005; January 23, 2006). For reasons detailed in the prior scheduling orders entered in the case, Strongbuilt, Inc. remains subject to the automatic stay provisions of a Chapter 11 Bankruptcy proceeding pending in the State of Louisiana. Both Richard Douglas Pedigo (Plaintiff in the above-captioned matter) and Wal-Mart Stores East, L.P. (Defendant in the above-captioned matter) have joined as Petitioners in a declaratory judgment action filed in state court proceedings in Rutherford County Chancery Civil Action No. 05-1479CV. The Defendants in that proceeding are First Financial Insurance Company; Bike USA, Inc.; and Brown & Brown, Inc., Respondents, all of whom are involved in the issues

pertaining to liability insurance coverage for Strongbuilt, Inc., in relation to the product liability issues raised in the above-captioned case. Accordingly, the Plaintiff and Defendant in the above-captioned matter are in agreement that the issues in the declaratory judgment suit may, in practical terms, prove to be dispositive of the ultimate issues in the above-captioned matter, and that it is in the best interests of these parties to request that the above-captioned United States District Court proceedings be administratively closed pending the completion of what is anticipated to be extended litigation (involving substantial discovery) in the state court proceedings.

Accordingly, it is jointly requested by the Plaintiff, Richard Douglas Pedigo, and Defendant Wal-Mart Stores East, L.P., that the above-captioned matter be administratively closed, and that the parties be relieved of the scheduling requirements set forth in the case, with the provision that either party may move the Court for reinstatement at any appropriate time. The parties have recently completed the briefing of jurisdictional issues before Chancellor Robert E. Corlew, III, who has entered an order authorizing discovery of the Pennsylvania insurance broker, Brown & Brown, Inc., prior to a final ruling on that Defendant's motion to dismiss for lack of personal jurisdiction. Due to the nature of the issues involved in the state court declaratory judgment proceedings, it is anticipated that extended litigation may be involved prior to the resolution of those issues, and that the significant relation of those insurance issues to the claims against Strongbuilt, Inc. will be best resolved by requesting deferral of any further activity in the federal litigation for the immediate future.

Respectfully submitted,

BURGER, SISKIN, SCOTT & McFARLIN

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